IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

Bail Appl..No. 4913 of 2007()

CP.14/2007 of J.M.F.C.-I,KOZHIKODE
CRIME NO.12/06 OF BADIADKA EXCISE RANGE

.....

PETITIONER/ACCUSED

NARAYANI, AGE 40 YEARS, W/O.BALAN,
CHULLI, MUNNAD VILLAGE, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY INSPECTOR OF POLICE,
BADIADKA EXCISE RANGE,
REP. BY THE PUBLIC PROSECUTOR,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 4913 OF 2007

Dated this the 14th day of August, 2007

ORDER

Application for anticipatory bail. The petitioner – a woman, was allegedly found to be in possession of 4 litres of arrack. Investigation is complete. Final report has already been filed. Committal proceedings has been registered. The petitioner has not so far appeared before the learned Magistrate. The petitioner apprehends arrest. According to the petitioner, she is absolutely innocent. Her failure to appear earlier before the learned Magistrate was not wilful; but was due to beyond her control. The petitioner, in these circumstances, wants to surrender before the learned Magistrate and seek regular bail. The petitioner apprehends that her application for regular bail may not be considered by the learned Magistrate on merits in accordance with law and expeditiously. It is, in these circumstances, that the petitioner

has come to this Court for a direction to the learned Magistrate to release her on bail when she appears before the learned Magistrate.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which she could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

3. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

Sd/-

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//true copy// **P.S. to Judge**

(R. BASANT, JUDGE)